

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA ex rel.
FREDERIC P. ZOTOS, and,

COMMONWEALTH OF
MASSACHUSETTS, ex rel.
FREDERIC P. ZOTOS,

Plaintiffs,

v.

TOWN OF HINGHAM, Massachusetts,

ROGER FERNANDEZ, individually and as
former Town Engineer, Town of Hingham,

TOM MAYO, individually, and as Town
Administrator, Town of Hingham,

TED C. ALEXIADES, individually, and as
former Town Administrator, former Town
Accountant/Finance Director, Town of
Hingham,

KEVIN PAICOS, individually, and as former
Town Administrator, Town of Hingham,

SUSAN NICKERSON, individually, and as
Town Accountant, Town of Hingham,

Defendants.

CIVIL ACTION NO.
1:19-CV-12002-NMG

**DEFENDANTS'
JOINT MOTION TO DISMISS**

NOW COME the Defendants the Town of Hingham, Roger Fernandez, Tom Mayo, Ted C. Alexiades, Kevin Paicos, and Susan Nickerson (collectively, the “Defendants”), and jointly submit this Motion to Dismiss claims against them pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) and

request that this Honorable Court dismiss the Plaintiff's Complaint in its entirety. Defendants submit herewith a *Memorandum in Support of Defendants' Joint Motion to Dismiss*.

DEFENDANTS TOWN OF HINGHAM,
MASSACHUSETTS, TOM MAYO, and
SUSAN NICKERSON
By their attorney:

/s/ Kerry T. Ryan
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DEFENDANTS ROGER FERNANDES,
TED C. ALEXIADES, and KEVIN PAICOS
By their attorney:

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)2

Pursuant to Local Rule 7.1(A)(2), counsel for the Defendants, Town of Hingham, Roger Fernandez, Tom Mayo, Ted C. Alexiades, Kevin Paicos, and Susan Nickerson, certify that they have conferred with counsel Frederic P. Zotos by email and on a telephone conference and attempted in good faith to resolve or narrow the issues in this motion.

/s/ Joseph A. Padolsky

Joseph A. Padolsky

CERTIFICATE OF SERVICE

I, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants as listed below:

/s/ Joseph A. Padolsky
Joseph A. Padolsky

Dated: September 9, 2022